

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 2 2009

Ms. Beryl A. Thurman, President/Executive Director
North Shore Waterfront Conservancy of Staten Island, Inc.
P.O. Box 140502
Staten Island, New York 10314

Dear Ms. Thurman:

This letter is in response to your May 9, 2009 e-mail to Administrator Lisa Jackson and your May 21, 2009 e-mail to Wanda Ayala regarding the Jewett White Lead site (also known as the Sedutto's Ice Cream Factory site), located at 2000 Richmond Terrace in Staten Island, New York. I have been asked to respond to you for EPA. Thank you for taking the time to voice your concerns about this site and any possible effects it might have on the surrounding community.

As you know, interim actions have been taken at 2000 Richmond Terrace to stabilize the site. These actions include the installation of hay bales and a silt fence to control stormwater runoff, application of grass seed and mulch to hold soil in place, repairs to existing fencing to prevent trespassers from accessing the area, installation of warning signs and the removal of soil and sediment from the sidewalks and curbs adjacent to the site. These controls reduce the potential for contamination to migrate off the site while EPA develops plans for its cleanup.

During inspections performed during heavy rain, the U.S. Environmental Protection Agency (EPA) did not observe runoff from the site that would re-contaminate the previously cleaned areas of the adjacent sidewalk and street. In addition, the property owner has provided assurances to EPA that the site will not be used until a cleanup takes place. Sediment and soil samples will be collected from the sidewalks and adjacent curb line as part of the off-site sampling activities planned for early June 2009. During the excavation of site soil in December 2008, analytical results of perimeter air samples were below both worker safety and National Ambient Air Quality Standards. During the interim action in April 2009, lead was not identified in air samples at levels above laboratory detection limits, which are well below worker safety standards.

Based on the results of air sampling and the controls put in place to limit the migration of contaminants from the site, there is no need to relocate the two Metropolitan Transit Authority (MTA) bus stops. While EPA does not have authority to determine the locations of MTA bus stops, we will evaluate the safety of the community as part of the planning process for the cleanup of the site, and will ensure that appropriate actions are taken to protect the community during the cleanup.

Historical records indicate that operations at the former Jewett White Lead Company, a.k.a. National Lead, included the property at 2015 Richmond Terrace, which is currently

occupied by the Moran Towing Corporation. EPA is in contact with the property owners for 2015 Richmond Terrace regarding access to conduct a site investigation to determine if conditions exist that pose a threat to the community. It is anticipated that this investigation will occur in early June 2009.

EPA is currently using our full authorities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to evaluate and address contamination associated with the former Jewett White Lead site, and respond to public concerns. We recognize that urban lead can be a significant problem, but CERCLA limits our authority to address exposure associated with lead-based paint.

We can and will work with residents to help them reduce the risks associated with exposure to lead that can lead to elevated blood lead levels. Beyond the cleanup that is necessary to address lead contamination associated with the Jewett White Lead site, this will be done primarily through community outreach and education programs. We will also work with your organization to identify other EPA programs that might be helpful in assisting the community in addressing the hazards related to lead-based paint. In addition, the NYC Housing Preservation and Development Department, the local authority responsible for enforcing violations of Local Law #1, and the NYC Department of Health and Mental Hygiene, have a variety of programs aimed at reducing exposure to lead from paint and other sources.

EPA strives to protect public health and the environment in all communities in which our presence is required. We are sensitive to the additional stresses on communities that face environmental justice problems, and recognize that the Jewett Lead site is a source of concern to residents of the Port Richmond community. EPA will act to address lead contamination associated with the site using sound judgment, based on good science. We will work to ensure that the site is cleaned up in an expeditious manner that protects public health and the environment. We hope that our strenuous efforts and accountability will provide comfort to the Port Richmond community.

If you have any additional questions about the Jewett White Lead Site, please contact Kimberly Staiger of my staff at 732-452-6415. Questions relating to environmental justice should be directed to Terry Wesley at 212-637-5027. Thank you for bringing the concerns of the Port Richmond community to our attention.

Sincerely,



George Pavlou
Acting Regional Administrator